

## **REMARKS**

The current response, termed a “second” response, is filed subsequent to an interview conducted between the undersigned attorney and Examiners Pous and Thaler on November 14, 2006. This response replaces the Response to Final Office Action filed by the undersigned attorney on October 10, 2006 as that response was not entered by the Examiner.

In response to the Office Action and the Examiner’s Interview, claims 9, 18 and 19 have been canceled. Such cancellation is without prejudice to further prosecution of these claims in one or more continuing applications. Claim 6 has been amended to incorporate the language recited in now canceled claim 9 and language discussed during the Examiner’s Interview. Support for the new language is found in Figure 1 and in the original disclosure at page 8, line 19-page 9, line 2. No new matter has been added by the amendments to claim 6. Claims 6-8, 13, 16 and 17 remain in the application. Favorable reconsideration is respectfully requested.

### **Examiner’s Interview**

Applicant acknowledges and thanks Examiners Pous and Thaler for according the undersigned attorney a personal interview on November 14, 2006. During this interview, independent claim 6 was primarily discussed as it applied to U.S. Patent 5,584,859 to *Brotz* and U.S. Patent 3,926,193 to *Hasson*. As stated in the Interview Summary, “It was agreed that claim language defining the orientation of the opening of the female connector would overcome the cited art.” Such language was discussed. This language now appears in currently amended claim 6.

### **Amended Claim 6**

Claim 6, as newly amended, now recites a wound closure device for connecting tissue which comprises isolated first and second flexible straps. The first flexible strap, i.e., the male strap, has a proximal and distal end and a ventral and dorsal surface. The second flexible strap, i.e., the female strap, has a proximal end with a female connector and a distal end. As now recited, the female connector includes an opening transverse to the longitudinal axis extending completely through the female connector from the ventral surface to the dorsal surface. The opening is intended to receive

the proximal end of the first or male flexible strap. Applicant submits that claim 6, as now recited, is neither disclosed nor suggested by the cited prior art.

### **Claim Rejections - 35 USC § 103**

Claims 6-9, 13, 16 and 17 are rejected under 35 USC § 103(a) over the '859 patent to *Brotz* in view of U.S. Patent 3,926,193 to *Hasson*.

In view of the cancellation of claim 9 and the amendment of claim 6 to incorporate claim 9 and the material as recited above, it is now believed that claim 6 is in condition for allowance.

Referring now to *Brotz*, the Examiner admits several deficiencies in *Brotz*, including failure to disclose a wound suture device wherein the straps are isolated, failure to disclose a wound suture device with a second strap, failure to disclose a wound suture device wherein the first strap has a proximal end with a male connector, failure to disclose a wound suture device wherein the first and second strap comprise a female connector, failure to disclose or suggest the need for a female connector, and failure to disclose or suggest the claimed ratcheted male connector end.

*Hasson* is included in the rejection for the teaching of a surgical device with isolated straps, wherein one strap has a ratcheted male connector and another strap has a female connector buckle to close a wound surface.

Even with the combination of *Brotz* and *Hasson*, there is no disclosure or suggestion of a wound closure device wherein the female connector includes an opening transverse to the longitudinal axis extending completely through the female connector for receiving the proximal end of the male connector, which was discussed during the Examiner's Interview.

In view of the amendment to claim 6, applicant respectfully submits that claims 6-8, 13, 16 and 17 are in allowable condition.

### **CONCLUSION**

Applicant submits that the application is now in condition for allowance. Early notification of such action is earnestly solicited. Should the Examiner have any questions or comments with respect to the application, the Examiner is requested to contact the undersigned attorney. The attorney welcomes and encourages telephone calls related to this application because this may allow

the resolution of any disputed claim language and/or other informalities more rapidly and efficiently than by any other means. The Commissioner is authorized to charge any fees or credit any overpayments relating to this application to deposit account number 18-2055.

Respectfully submitted,



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